



Reprinted
April 12, 2001

ENGROSSED SENATE BILL No. 5

DIGEST OF SB 5 (Updated April 11, 2001 1:00 PM - DI 69)

Citations Affected: IC 7.1; noncode.

Synopsis: Open alcoholic beverage containers and public intoxication. Establishes an interim study committee on open containers in motor vehicles. Provides that a person who is a passenger in a private motor vehicle being operated by an individual who has not consumed alcohol is not in a public place or place of public resort for purposes of the law concerning public intoxication.

Effective: Upon passage; July 1, 2001.

Wyss

(HOUSE SPONSORS — WELCH, SCHOLER)

January 8, 2001, read first time and referred to Committee on Public Policy.
February 27, 2001, amended, reported favorably — Do Pass.
March 5, 2001, read second time, ordered engrossed. Engrossed.
March 6, 2001, read third time, passed. Yeas 29, nays 21.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
April 9, 2001, amended, reported — Do Pass.
April 11, 2001, read second time, amended, ordered engrossed.

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ES 5—LS 6201/DI 69+



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April 12, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 5

A BILL FOR AN ACT concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-5-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec.3. (a) **Except as**
3 **provided in subsection (b)**, it is a Class B misdemeanor for a person
4 to be in a public place or a place of public resort in a state of
5 intoxication.
6 (b) **A person who is a passenger in a private motor vehicle being**
7 **operated by an individual who has consumed no alcohol is not in a**
8 **public place or place of public resort under this section.**
9 SECTION 2. [EFFECTIVE JULY 1, 2001]: **IC 7.1 5-1-3, as**
10 **amended by this act, applies only to acts committed after June 30,**
11 **2001.**
12 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
13 **SECTION, "committee" refers to the interim study committee on**
14 **open containers in motor vehicles established by this SECTION.**
15 (b) **There is established the interim study committee on open**
16 **containers in motor vehicles. The committee shall study issues**
17 **relating to the amendment of the open container law (IC 9-30-15)**

ES 5—LS 6201/DI 69+



1 to comply with federal requirements.

2 (c) The committee shall operate under the policies governing
3 study committees adopted by the legislative council.

4 (d) The affirmative votes of a majority of the voting members
5 appointed to the committee are required for the committee to take
6 action on any measure, including final reports.

7 (e) This SECTION expires December 1, 2001.

8 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "or while the motor vehicle is located on the".

Page 2, line 4, delete "right-of-way of a public highway,".

Page 2, line 4, strike "knowingly".

Page 2, line 4, after "knowingly" insert "**or while the motor vehicle is located on the right-of-way of a public highway,**".

and when so amended that said bill do pass.

(Reference is to SB 5 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 5, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 5 as printed February 28, 2001.)

KUZMAN, Chair

Committee Vote: yeas 9, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 5 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1 -5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec.3. **(a) Except as provided in subsection (b),** it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication.

(b) A person who is a passenger in a private motor vehicle being operated by an individual who has consumed no alcohol is not in a public place or place of public resort under this section.

SECTION 2. [EFFECTIVE JULY 1, 2001]: **IC 7.1 5-1-3, as amended by this act, applies only to acts committed after June 30, 2001."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 5 as printed April 9, 2001.)

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